

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

_____)	
IN RE:)	
)	CHAPTER 11
7 BAY CORP)	CASE NO. 15-14885 - FJB
)	
Debtor)	
_____)	

LIMITED OPPOSITION TO DEBTOR'S MOTION FOR EMERGENCY HEARING

Now comes Avidia Bank ("Avidia" or the "Bank"), and hereby opposes the Debtor's attempt to use the review hearing slot to instead attempt to press his sale motion. Avidia states as reasons therefore the following:

1. At the hearing on Tuesday, February 2, 2016, counsel for the Debtor, Avidia, and National Lumber suggested to the Court that they had the tentative structure for a deal.
2. Avidia structure included non Debtors ("Debtor's Principal") additional collateral. It was suggested to Avidia prior to the hearing that that collateral would be forthcoming and therefore Avidia believes in good faith that Avidia and the Debtor were ready to complete their portion of the deal. Avidia's position has not changed. The Debtor's Principal's position apparently has.
3. Upon information and belief, National Lumber's actual post petition position has substantially changed.
4. The deal was that tomorrow morning's hearing (Thursday, February 4, 2016) was only if there was a timely filed agreement.
5. Although it was not mentioned to the Court, all other counsel has been aware that Avidia's Counsel is also flying to Southern California this evening.

6. It is reasonable to Debtor's and/or United Bank's counsel will attempt to substantially brief the remaining issues tonight.

7. Avidia would be at a practical disadvantage while its counsel is traveling tonight to be able to adequately be prepared for a 6:30 a.m. West Coast hearing tomorrow morning.

8. Instead the Debtor's attempt at a further effort should occur in the time slot currently scheduled for the cash collateral motion next Wednesday, February 10, 2016.

WHEREFORE, Avidia Bank prays as follows:

1. That the Debtor's emergency motion for expedited hearing be denied in its effort to schedule such hearing for Thursday, February 4, 2016;

2. That the request for expedited hearing be allowed scheduling it for Wednesday, February 10, 2016;

3. That this Court order such other further relief as it deems just and applicable.

AVIDIA BANK
By Its Attorney:

/s/ Howard B. D'Amico
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CERTIFICATE OF SERVICE

I, Howard B. D'Amico, do hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 3, 2016 by prepaid First Class Mail.

/s/ Howard B. D'Amico
Howard B. D'Amico